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EXAMINER

YALEW, FIKREMARIAM A

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2436

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/677,125	Applicant(s) KRUMM ET AL.	
	Examiner Fikremariam Yalew	Art Unit 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,12-18,20-35 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,12-18,20-35,37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/22/2008</u> . | 6) ☐ Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/2008 has been entered.

2. Claims 1,24,34,38, have been amended. Claims 11,19,36 are canceled. Claim 39 are newly added. Claims 1-10,12-18,20-35,37-39 are pending.

Claim Objections

3. Claim 39 is objected to because of the following informalities: In claim limitation lines 13-14 "the to the second mobile client". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 39 is rejected under 35 U.S.C 112, first paragraph, as falling to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to mention or teach the claim limitations which mentioned below. The applicant should explicitly explain how the specification support the new added claim limitations

such as **obtaining simulated signal strength data of a non-networked, non electronic, fixed resource participating in proximity detection relative to the first mobile clients, wherein the simulated signal strength is an equivalent signal strength were the fixed resource a mobile client device, and is reported by a mobile device positioned near the fixed resource and behalf of the fixed resource; at the one or more base stations and remote from the plurality of mobile client devices with the simulated signal strength data of the fixed resource :comparing the signal strength data of the first and second mobile client devices with the simulated signal strength data of the fixed resource, such that the one or more base stations treat the fixed resource as if it was a mobile device; determining that the second mobile client is located at a geographic location that is proximate a geographic location of the fixed resource; and sending to the second mobile client a notice that the second mobile client is located near the fixed resource, the to the second mobile client including a type of resource that is the fixed resource.**

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-10, 12-16, 18, 20-32, 34, are rejected under 35 U.S.C. 103(a) as being unpatentable over Meunier (US Patent No 7,129,891 B2) in view of Cromer et al(hereinafter referred as Cromer) US Pub No 2005/0124355 A1

8. As per claims 1, 23-24: Meunier teaches In a network environment, a method/a computer readable medium/system for detecting a proximity of multiple resources and identifying proximate network resources to a network device the method comprising: obtaining signal strength data of a first network device with respect to signals received by the first network device from at least one stationary base station wherein the first client station is mobile (See col 2 lines 27-40 and col 3 lines 7-25); obtaining signal strength data of other client stations with respect to signals received by the other client stations from the at least one stationary base station, the other client stations and the first client station being remote to the at least one stationary base station and wherein at least one of the other client stations is mobile(See col 2 lines 27-40 and col 5 lines 1-4); comparing the signal strength data of the first client station with the signal strength data of the other client stations(See col 2 lines 27-40 and col 3 lines 7-25); determining that the first client station is proximate one or more of the other client stations based on the signal strength data of the first client station and of the other client stations(See col 2 lines 27-40 and col 3 lines 7-25); and sending to the first client station an identification of the one or more other client stations determined to be proximate the first client station(See col 8 lines 4-18).

Meunier does not explicitly teach at the one or more base stations and remote from the plurality of mobile client devices.

Cromer teaches at the one or more base stations and remote from the plurality of mobile client devices (See 0016, 0018 and Fig 1).

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teachings method of Laird within Meunier method in order to provide validating access point locations in a wireless network (See Cromer 0006).

9. As per claim 2: the combination of Meunier and Cromer teach the method of wherein obtaining signal strength data of the first network device comprises scanning at the first client station for radio signals at radio frequencies (See Meunier col 8 lines 8-17 and col 4 lines 29-37).

10. As per claim 3: the combination of Meunier and Cromer teach the method wherein scanning for radio signals comprises scanning a subset of channels (See Meunier col 2 lines 49-55 and col 8 lines and col 4 lines 29-37).

11. As per claim 4: the combination of Meunier and Cromer teach the method wherein scanning for radio signals comprises performing a passive scan (See Meunier col 8 lines 8-17 and col 4 lines 29-37).

12. As per claim 5: the combination of Meunier and Cromer teach the method wherein scanning for radio signals comprises performing an active scan (See Meunier col 8 lines 8-17 and col 4 lines 29-37).

13. As per claim 6: the combination of Meunier and Cromer teach the method further comprising mathematically smoothing a plurality of signal strength data into a smoothed value (See Meunier claim 9).

14. As per claim 7: the combination of Meunier and Cromer teach teach the method wherein obtaining signal strength data of the first client station comprises receiving a report from the first client station at a server (See Meunier col 8 lines 8-17).

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15. As per claim 8: the combination of Meunier and Cromer teach the method wherein the report is received on a regular basis from the client (See Meunier col 8 lines 8-17).

16. As per claim 9: the combination of Meunier and Cromer teach the method wherein the report is received as determined by the first client station (See Meunier col 8 lines 8-17).

17. As per claim 10: the combination of Meunier and Cromer teach the method wherein the other client stations comprise a second client station, and wherein obtaining signal strength data of the client station comprises receiving a report at the second client station from the first client station (See Meunier col 4 lines 1-24).

18. As per claim 12: the combination of Meunier and Cromer teach the method wherein comparing the signal strength data comprises evaluating a number of base stations in common between the first client station and one or more other client stations. (See Meunier col 4 lines 1-24).

19. As per claim 13: the combination of Meunier and Cromer teach the method wherein the signal strength data of the first client station comprises a first set of signal strength values, each value associated with each base station of a plurality of base stations seen by the first client station and, wherein the signal strength data of network resources comprises a second set of signal strength values, each value paired with each base station of a plurality of base stations seen by a second client station corresponding to the other client stations, and wherein comparing the signal strength data comprises evaluating signal strength values for base stations seen in common by the first client station and the second client station (See Meunier col 2 lines 27-40 and col 3 lines 7-25).

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20. As per claim 14: the combination of Meunier and Cromer teach the method wherein evaluating signal strength values for base stations seen in common comprises, ordering base stations seen in common by signal strength values into a first ordering for the first client station and a second ordering for the second client station, and determining similarity between the first ordering and the second ordering (See Meunier col 8 line 61 through col 9 line 6).

21. As per claim 15: the combination of Meunier and Cromer teach the method wherein a server determines that the one or more other client stations are proximate the first network device, and further comprising, the server returning proximity-related data to the first client station that corresponds to the one or more other client stations determined to be proximate the first client station (See Meunier col 2 lines 27-40, col 3 lines 7-25 and See col 8 lines 8-17).

22. As per claim 16: the combination of Meunier and Cromer teach the method further comprising, at the first network device, querying a database based on the proximity-related data for additional information corresponding to the one or more other stations determined to be proximate the first client station (See Meunier col 4 lines 59-65 and col 8 lines 35-51).

23. As per claim 18: the combination of Meunier and Cromer teach the method wherein identifying to the first client station the one or more other client stations determined to be proximate the first client station comprises transmitting a list of at least one proximate client including proximity-related data corresponding to the client, to the first client station (See Meunier col 2 lines 27-40 and col 3 lines 7-25).

24. As per claim 20: the combination of Meunier and Cromer teach the method wherein the one or more other client stations comprises a second client station, wherein the one or more network a server receives signal strength data from the second client station, and wherein the

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server returning proximity-related data to the first client station that corresponds to the second client station comprises transmitting the signal strength data of the second client station to the first client station (See Meunier col 2 lines 27-40 and col 3 lines 7-25).

25. As per claim 21: the combination of Meunier and Cromer teach the method wherein determining that the first client station is proximate the second client station comprises processing the signal strength data of the second client station at the first client station (See Meunier col 2 lines 27-40 and col 3 lines 7-25).

26. As per claim 22: the combination of Meunier and Cromer teach the method wherein at least one of the one or more other client stations is fixed, and further comprising, providing a simulated signal strength for the fixed network resource (See Meunier col 2 lines 27-40 and col 3 lines 7-25)

27. As per claim 25: the combination of Meunier and Cromer teach the system wherein the second network the entity comprises a server (See Meunier col 2 lines 55-65 and col 8 lines 8-17).

28. As per claim 26: the combination of Meunier and Cromer teach the system wherein the second network entity comprises a different client device in the network (See Meunier col 2 lines 27-40 and col 3 lines 7-25).

29. As per claim 27: the combination of Meunier and Cromer teach the system wherein the proximity-related data comprises a list of other client stations that are proximate the client device (Meunier col 2 lines 27-40 and col 3 lines 7-25).

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30. As per claim 28: the combination of Meunier and Cromer teach the system wherein the client device is a first mobile client device and wherein the separate client station comprises at least one other mobile client device. (See Meunier col 2 lines 27-40 and col 3 lines 7-25).

31. As per claim 29: the combination of Meunier and Cromer teach the system wherein the client program of the first client device processes the signal strengths of the separate client station to determine which client stations are proximate the client device (See Meunier col 2 lines 27-40 and col 3 lines 7-25).

32. As per claim 30: the combination of Meunier and Cromer teach the system wherein the client program receives the proximity-related data from a server (See Meunier col 2 lines 55-65 and col 8 lines 8-17).

33. As per claim 31: the combination of Meunier and Cromer teach the method wherein the output mechanism comprises a display (See Meunier col 2 lines 55-65 and col 8 lines 8-17).

34. As per claim 32: the combination of Meunier and Cromer teach the system of claim 24 further comprising a database, wherein the client program accesses the database to present the information that corresponds to the proximity-related data on the output mechanism of the client device (See Meunier col 2 lines 55-65 and col 8 lines 8-17).

35. **Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sagefalk et al(hereinafter referred as Sagefalk) US Pub No 2003/0220116 A1 in view of Cromer et al(hereinafter referred as Cromer) US Pub No 2005/0124355 A1**

36. As per claim 38: Sagefalk teaches a wireless network having one or more base stations providing a wireless signal to a plurality of mobile client devices, a method for notifying users of one or more mobile client devices for the proximity of other users of mobile client devices, the

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method comprising : obtaining signal strength data of a first mobile client device with respect to signals received by the first mobile client device from at least one stationary base station(See Fig 7A steps 714,102); obtaining signal strength data of a second mobile client device with respect to signals received by the second mobile client device from at least one stationary base stations(See Fig 8E steps 880,886); comparing the signal strength data of the first mobile client device with the signals strength data of the second mobile client device (See Fig 8E steps 890 and 0083); determining that the first mobile client device is located at a geographic location that is proximate a geographic location of the second mobile client device(0010-0012 and Fig 8E steps 880,886,890); and sending to the first mobile client device a notice that the first mobile client device is located near the second mobile client device(See 0025-0026 and Fig 8E), the notice to the first mobile client device including at least an identity of the user of the second mobile client device(See 0025-0026 and Fig 8E).

Meunier does not explicitly teach at the one or more base stations and remote from the plurality of mobile client devices.

Cromer teaches at the one or more base stations and remote from the plurality of mobile client devices (See 0016, 0018 and Fig 1).

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teachings method of Laird within Meunier method in order to provide validating access point locations in a wireless network (See Cromer 0006).

37. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sagefalk et al(hereinafter referred as Sagefalk) US Pub No 2003/0220116 A1 in view of Cromer et

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**al(hereinafter referred as Cromer) US Pub No 2005/0124355 A1 and further in view of
Laird et al(hereinafter referred as Laird) US Pub No 20050075116.**

38. As per claim 39: the combination of Meunier and Cromer do not explicitly teach the method further comprising obtaining simulated signal strength data of a non-networked, non electronic, fixed resource participating in proximity detection relative to the first mobile clients, wherein the simulated signal strength is an equivalent signal strength were the fixed resource a mobile client device, and is reported by a mobile device positioned near the fixed resource and behalf of the fixed resource; at the one or more base stations and remote from the plurality of mobile client devices with the simulated signal strength data of the fixed resource :comparing the signal strength data of the first and second mobile client devices with the simulated signal strength data of the fixed resource, such that the one or more base stations treat the fixed resource as if it was a mobile device; determining that the second mobile client is located at a geographic location that is proximate a geographic location of the fixed resource; and sending to the second mobile client a notice that the second mobile client is located near the fixed resource, the to the second mobile client including a type of resource that is the fixed resource.

However Laird teaches obtaining simulated signal strength data of a non-networked, non electronic, fixed resource participating in proximity detection relative to the first mobile clients, wherein the simulated signal strength is an equivalent signal strength were the fixed resource a mobile client device, and is reported by a mobile device positioned near the fixed resource and behalf of the fixed resource(See 0083-0086); at the one or more base stations and remote from the plurality of mobile client devices with the simulated signal strength data of the fixed resource :comparing the signal strength data of the first and second mobile client devices with the

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simulated signal strength data of the fixed resource, such that the one or more base stations treat the fixed resource as if it was a mobile device(See 0090-0094); determining that the second mobile client is located at a geographic location that is proximate a geographic location of the fixed resource(See 0050,0066); and sending to the second mobile client a notice that the second mobile client is located near the fixed resource, the to the second mobile client including a type of resource that is the fixed resource(See par 0090-0094).

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teachings method of Laird within Meunier and Cromer method inorder to improve security of the system.

Claim Rejections - 35 USC § 103

39. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

40. Claims 17,33,34,35,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meunier (US Patent No 7,129,891 B2) in view of Cromer et al(hereinafter referred as Cromer) US Pub No 2005/0124355 A1 and further in view of Dacosta(US Patent No 6,978,023 B1).

41. As per claims 17: the combination of Meunier and Cromer teach claim 16 as recited above. Meunier and Cromer do not explicitly teach wherein the other client stations determined to be proximate the first client station comprises a second client station, and further comprising,

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receiving at the first network device additional information including biographical information corresponding to a user of the second client station.

However Dacosta teaches wherein the other client stations determined to be proximate the first client station comprises a second client station, and further comprising, receiving at the first network device additional information including biographical information corresponding to a user of the second client station(See Daclosta col 4 lines 8-30 and Fig 8 steps 616,618).

Therefore it would have been obvious to one ordinary skill in the art the invention was made to modify the teachings method of Dacosta within the method of Meunier and Cromer inorder to provide a method location based wireless client authentication. (See Dacosta col 2 lines 1-3).

42. As per claim 33: the combination of Meunier and Cromer teach claim 32 as recited above. Meunier and Cromer does not explicitly teach wherein the one or more separate client stations comprises another client device, and wherein the database returns biographical data corresponding to a user of the another client device for display on the client device. However Dacosta teaches wherein the one or more separate client stations comprises another client device, and wherein the database returns biographical data corresponding to a user of the another client device for display on the client device. (See Daclosta col 4 lines 8-30 and Fig 8 steps 616,618).

Therefore it would have been obvious to one ordinary skill in the art the invention was made to modify the teachings method of Dacosta within the method of Meunier and Cromer inorder to provide a method location based wireless client authentication. (See Dacosta col 2 lines 1-3).

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43. As per claim 34: Meunier and Cromer teach claim 24 as recited above. The combination of Meunier and Cromer do not explicitly teach wherein the one or more separate client stations comprises a plurality of stations and wherein one of the plurality of station comprises a printer. However Dacosta teaches wherein the one or more separate client stations comprises a plurality of stations and wherein one of the plurality of station comprises a printer (See Dacosta Fig 3 step 200).

Therefore it would have been obvious to one ordinary skill in the art the invention was made to modify the teachings method of Dacosta within the method of Meunier and Cromer in order to provide a method location based wireless client authentication. (See Dacosta col 2 lines 1-3).

44. As per claim 35: Meunier and Cromer teach claim 24 as recited above. The combination of Meunier and Cromer do not explicitly teach the system wherein the network comprises a wireless 801.11 network. However Dacosta teaches the system wherein the network comprises a wireless 801.11 (See Dacosta col 4 lines 42-55).

Therefore it would have been obvious to one ordinary skill in the art the invention was made to modify the teachings method of Dacosta within the method of Meunier and Cromer in order to provide a method location based wireless client authentication. (See Dacosta col 2 lines 1-3).

45. As per claim 37: Meunier and Cromer teach claim 1 as recited above. The combination of Meunier and Cromer do not explicitly teach the method wherein the one or more of the network resources determined to be proximate the first network device includes a network resource not having wireless capabilities, and wherein the signal strength data of the network resource not

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having wireless capabilities an determined to be proximate the first network device is a simulated wireless signal strength.

However Dacosta teaches the method wherein the one or more of the network resources determined to be proximate the first network device includes a network resource not having wireless capabilities, and wherein the signal strength data of the network resource not having wireless capabilities an determined to be proximate the first network device is a simulated wireless signal strength (See Dacosta Fig 2 step 108 and Fig 6 step 616,618).

Therefore it would have been obvious to one ordinary skill in the art the invention was made to modify the teachings method of Dacosta within the method of Meunier and Cromer inorder to provide a method location based wireless client authentication. (See Dacosta col 2 lines 1-3).

Conclusion

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fikremariam Yalew whose telephone number is 5712723852. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser, can be reached on 5712738300. The fax phone number for the organization where this application or proceeding is assigned is 571-272-4195.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fikremariam Yalew
01/08/2009
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2436